

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

VLAD LYUBOVNY p/k/a "DJ VLAD"

Plaintiff,

v.

CASE NO.: 08-cv-07252-PGG

WILLIAM LEONARD ROBERTS II p/k/a RICK ROSS

Defendant.

/

**AFFIDAVIT OF DEFENDANT, WILLIAM LEONARD ROBERTS II p/k/a RICK ROSS
IN SUPPORT OF DEFENDANT, MOTION TO QUASH SERVICE AND MOTION TO DISMISS
PLAINTIFF COMPLAINT**

1. My name is William Leonard Roberts II.
2. I am permanent resident of State Of Florida.
3. I am over age of eighteen (18) years.
4. I have been made aware I have been named Defendant in this case.
5. I performed a concert in Sterling Heights, Michigan August 30, 2008 at a venue whose name I believe is Freedom Hill.
6. I have been provided by attorney and reviewed the process server Return Of Service and Declaration Of Server dated August 30, 2008; 8:35 p.m. herein Return and Declaration.
7. I dispute the process server statements in his Return and Declaration. As I was never served personal service of process of any summons and Complaint that from basis of this case that night or anytime material to this case by any process server.
8. At all times material to the process server Return and Declaration, I was either entering the Venue, in a dressing room, on stage or leaving the venue. And I was surrounded by and escorted by body guards, security personnel, police or management at this venue.
9. I did no interviews, no press, no signing.
10. My concert lasted less than one (1) hour.
11. Immediately after the concert, still surrounded by body guards, security personnel, police and management I was escorted to a motor vehicle which then left the venue and was driven to the airport.
12. The process server stated in his Return and Declaration, he "served personally upon the

Defendant" the Summons and Complaint of this case August 30, 2008; 8:35 p.m. The process server also stated in his Return and Declaration that he is able to describe me, as he is fan of mine. However, the process server does not state in his Return and Declaration the address where or what part of the venue he allegedly served me process.

13. The process server only states in his Return and Declaration a time, date and location of service as I attempt to read his Return and Declaration. "Sterling High, Mi, " Freedom Hill".

14. The process server does not state in his return how he entered the venue for example (did he sneak in, did he purchase a ticket, was he let in, did he have credentials).

15. The process server took no photograph, videotape or other digital record of serving me process.

16. I estimate approximately one thousand people attended my concert.

17. No one has or had authority to accept service of process on my behalf as to this case or any legal matter.

18. No one did accept service of process on my behalf as to this case.

19. I first became aware of this case when I was advised of this case by my entertainment attorney Theodor K. Sedlmayr, Esq., who told me he was contacted by Brian D. Caplan, Esq. attorney for Plaintiff as to this case.

20. I have submitted through this Affidavit, signed under oath, conflicting testimony and evidence as to the alleged service of a Summons and Complaint upon me by the process server.

21. I request service of process be quashed against me by this Honorable Court.

22. I request the Complaint filed against me be dismissed by this Honorable Court for failure to properly serve me process.

23. If the Complaint filed against cannot be dismissed for insufficiency of service of process based upon my Affidavit I request an Evidentiary Hearing as to the issue of service of process be held before this Honorable Court.

24. I have read and had explained to me this Affidavit, paragraphs numbers one (1) through twenty two (22).

25. I sign this Affidavit under oath, subject to all ramifications of signing Affidavit.

WHEREFORE, William Leonard Roberts II files **Affidavit Of William Leonard Roberts II In Support of Defendant, Motion To Quash Service And Motion To Dismiss Plaintiff Complaint**.

FURTHER AFFIANT SAYETH NAUGHT:

STATE OF _____:

COUNTY OF _____:

WILLIAM LEONARD ROBERTS II

BEFORE ME, undersigned authority, personally appeared _____ who is personally known to me or has presented me _____ proper identification and after being duly sworn states **Affidavit Of William Leonard Roberts II In Support of Defendant, Motion To Quash Service And Motion To Dismiss Plaintiff Complaint** is true and correct of William Leonard Roberts II own personal knowledge, information and belief.

SWORN TO AND SUBSCRIBED TO this _____ day of _____, 2008

My Commission Expires

Notary Public

Respectfully submitted,
LAW OFFICES ALLAN STEPHEN ZAMREN
Allan Stephen Zamren, Esq.
counsel for Plaintiff
44 West Flagler Street
suite #: 2225
Miami, Florida 33130
(305) 372-9912

By: _____ S/
Allan Stephen Zamren, Esq.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY, true and correct copy of above and foregoing, **Affidavit Of William Leonard Roberts II In Support of Defendant, Motion To Quash Service And Motion To Dismiss Plaintiff Complaint** was forwarded both regular mail and facsimile mail this 26th day of November, 2008 to:

United States Federal District Court
Attn: Clerk Of Courts
500 Pearl Street
New York, New York 10007

United States Federal District Court
The Honorable United States Federal District Court Judge Paul G. Gardephe
500 Pearl Street
Room #: 920
New York, New York 10007
(212) 805-7986

Caplan & Ross, LLP
Attn: Nicole L. Mondschein, Esq.
100 Park Avenue
18th Floor
New York, New York 10017
(212) 661-4290

By: _____ S/
Allan Stephen Zamren, Esq.